



FIDUCIARY BOARD

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

September 6, 2018
10:30 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Catherine Robbins
Elaine Acosta Sweet
Gary L. Krcmarik

Telephonically Present:

Teresa Lancaster
Diana M. Corry
Emily Kile
Lenard Montanaro
Hon. Jay M. Polk

Absent:

Deborah Primock

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martinez
Kate Novak
Wil Castro
Pasquale Fontana
Don "D.K." Keenom
William McIntyre
Brianna Farmer
Tara Smith
Arnita Oliver

Guests:

Tracy Yahnke
Charles Fuss
Stephen Cundiff
Stephen Follett
Leslie Mann-Damon
Elizabeth Crosby
Brian Olivas

CALL TO ORDER

Called to Order By: Catherine Robbins, Acting Chair

Time: 10:30 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review, discussion and possible action regarding the regular session minutes of the meeting held on July 12, 2018.*

Individual Addressing the Board: Catherine Robbins

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of the meeting of July 12, 2018.

Motion Proposals: First Honorable Jay Polk
Second Elaine Acosta Sweet

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A: *Review, discussion and possible action regarding complaint numbers 17-0001 and 17-0002, involving licensees Elizabeth Crosby and Integrated Fiduciary Services, Inc.*

Individual Addressing the Board: Pasquale Fontana

Discussion: It is recommended the Board dismiss allegations 2, 3 and 4 and enter a finding grounds for informal disciplinary action exists for allegation 1 pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA §§ 7-201(H)(6)(a) and 7202(J)(1)(a) as further described in Investigation Summary and Allegation Analysis Report.

It is further recommended the Board enter and order dismissing allegations 2, 3 and 4 and issuing a Letter of Concern as to allegation 1.

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Gary Krcmarik
Second Elaine Acosta Sweet
Recused Emily Kile

Motion Results: Pass

2-B: Review, discussion and possible action regarding complaint number 17-0015, involving licensee Krista Cline.

Individual Addressing the Board: Pasquale Fontana

Discussion: Staff recommends the Board find Krista Cline in default and enter a Final Order revoking licensure for Krista Cline. Staff also recommends the Board vote to hold any other outstanding complaints in abeyance.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik

Motion Results: Pass

2-C: Review, discussion and possible action regarding complaint number NC18-0036, involving Mario Gonzales.

Individual Addressing the Board: Mark Wilson

Discussion: Deferred until next meeting

2-D: Review, discussion and possible action regarding complaint numbers 17-0022, involving licensee Charles Fuss.

Individual Addressing the Board: Don "D.K." Keenom

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Charles Fuss has not committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-0022.

It is further recommended the Board dismiss complaint number 17-0022.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Leonard Montanoro
Second Honorable Jay M. Polk
Recused Catherine Robbins

Motion Results: Pass

2-E: *Review, discussion and possible action regarding complaint numbers 16-0019 and 16-0020, involving licensees Leslie Mann-Damon and Next Steps for Families, LLC.*

Individual Addressing the Board: William McIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Leslie Mann-Damon has not committed the alleged acts of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 16-0019/0020.

It is further recommended the Board dismiss complaint number 16-0019/0020.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Emily Kile
Second Diana Corry

Motion Results: Pass

2-F: *Review, discussion and possible action regarding complaint numbers 17-0026, involving licensee Jane Anne Geisler.*

Individual Addressing the Board: William McIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Jane Geisler has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-0026.

It is further recommended the Board dismiss complaint number 17-0026.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Elaine Acosta Sweet
Second Teresa Lancaster

Motion Results: Pass

2-G: Review, discussion and possible action regarding complaint numbers 17-0032, involving licensee Maricopa County Public Fiduciary.

Individual Addressing the Board: William McIntyre

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding MCPF has not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-0032.

It is further recommended the Board dismiss complaint number 17-0032.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Emily Kile
Second Leonard Montanaro
Recused Catherine Robbins

Motion Results: Pass

3) INITIAL LICENSURE AND ELIGIBILITY:

3-A: Review, discussion and possible action regarding the following applications for initial individual licensure:

1. Elise Bajohr
2. Alex Harris

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial fiduciary licensure for the following applicants:

1. Elise Bajohr
2. Alex Harris

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Gary Krcmarik
Second Diana Corry

Motion Results: Pass

4) LICENSURE AND ELIGIBILITY:

4-A: *Review, discussion, and possible action regarding the request of Richard Holmes to retake the Fiduciary Licensing Examination.*

Individual Addressing the Board: Michelle Martinez

Discussion: It is recommended to allow Richard Holmes to sit for the program examination a fourth time.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Emily Kile
Second Gary Krcmarik

Motion Results: Pass

5) ADMINISTRATIVE ISSUES:

5-A: *Review, discussion and possible action regarding the establishment of the 2019 Board meeting schedule.*

Individual Addressing the Board: Michelle Martinez

Discussion: The Fiduciary Board is asked to consider and approve the proposed 2019 meeting calendar.

Motion: Consideration of and motion to accept the 2019 meeting calendar be set as follows:

- January 10, 2019
- March 7, 2019
- May 9, 2019
- July 11, 2019
- September 5, 2019
- November 7, 2019

All meetings to begin at 10:30 a.m.

Motion Proposals: First Elaine Acosta Sweet
Second Gary Krcmarik

Motion Results: Pass

CALL TO THE PUBLIC

Individuals Addressing the Board: None

ADJOURNMENT

Motion: Move to adjourn.

Motion Proposals: First Elaine Acosta Sweet
Second Catherine Robbins

Motion Results: Pass

Time: 11:02 a.m.

Initials: AO